

UNITED STATES DISTRICT COURT

for

JAN 05 2007

NORTHERN DISTRICT OF GEORGIA

JAMES N. HATTEN, Clerk
By: *J. R. Jackson* Deputy Clerk

U. S. A. vs. Wayne Henry Kay

Docket No. 1:05-CR-247-01-ODE

~~FILED UNDER SEAL~~

PETITION FOR WARRANT AND ORDER TO SHOW CAUSE
WHY SUPERVISED RELEASE SHOULD NOT BE REVOKED

COMES NOW Jeffery Caldwell PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Wayne Henry Kay who was placed on supervision for the offense of Threatening to Assault, Kidnap or Murder a United States Official in Retaliation, 18 U.S.C. Sec 115 (a) (1) (B), by the Honorable Orinda D. Evans sitting in the court at Atlanta, on the 25th day of January, 2006 who fixed the period of supervision at 36 months, and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

While on supervised release, the defendant shall not commit another federal, state, or local crime, shall comply with the standard conditions that have been adopted by this Court, and shall comply with the following additional conditions:

The defendant shall submit to one drug urinalysis within 15 days after being placed on supervision and at least two periodic tests thereafter.

The defendant shall submit to a drug testing if requested to do so by the Probation Officer.

Pursuant to 42 U.S.C. 14135a(d)(1) and 10 U.S.C. 1565(d), which requires mandatory DNA testing for federal offenders convicted of felony offenses, the defendant shall cooperate in the collection of DNA as directed by the probation officer.

The defendant shall not own, possess or have under his control any firearm, dangerous weapon or other destructive device.

The defendant shall participate in a mental health treatment program under the guidance and supervision of the U.S. Probation Officer.

The defendant shall submit to a search of his person, property (real, personal, or rental), residence, office, and/or vehicle, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach)

General Condition: While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance.

Violation #1: On November 12, 2006, Wayne Kay was arrested by the Cobb County Police Department for Possession of Cocaine and he is currently in the Cobb County Adult Detention.

Condition #2: The defendant shall report to the probation officer as directed by the court or probation officer and submit a truthful written report within the first five days of each month.

Violation #2: Wayne Kay has not submitted his monthly report since his release from custody in May 2006.

Condition #7: The defendant shall refrain from excessive use alcohol and shall not purchase, possess, use, distribute, or administer any narcotic.

Violation #3: On November 3, 2006, Wayne Kay submitted urine screen which tested positive for cocaine.

PRAYING THAT THE COURT WILL ORDER a warrant issued for said Wayne Henry Kay and that Wayne Henry Kay be brought back before the Court at Atlanta, Georgia, to show cause why Supervised Release heretofore entered should not be revoked. IT IS FURTHER ORDERED that this petition and the warrant be sealed and that the same shall remain sealed until the warrant is executed or until further order of this Court.

ORDER OF COURT

Considered and ordered this 3 day of

January, 2007

and ordered filed UNDER SEAL and made a part of the records

in the above case.

Orinda D. Evans
Honorable Orinda D. Evans
U. S. District Court Judge

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully,

Jeffery Caldwell
Jeffery Caldwell
U. S. Probation Officer

Place: Atlanta, Georgia

Date: December 21, 2006

Philip N. Burgett 12/21/06
Philip N. Burgett
Supervising U. S. Probation Officer